IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 785 (S/S) of 2006

Dalveer Singh S/o Sri Makhhan Singh Rawat
R/o Village Koti, P.O. Thati Buda Kedar
District- Tehri Garhwal ------ Petitioner

Versus

1. District Education Officer, Tehri Garhwal
2. Block Education Officer, Block Bhilangana, Tehsil Ghansali District Tehri Garhwal
3. Village Education Committee, Village Koti (Buda Kedar) Block Bhilangana Tehsil Ghansali District Tehri Garhwal
4. Additional District Education Officer, Tehri Garhwal
5. Ashish Semwal S/o Sri Surendra Dutt Semwal Tehri R/o Village Post Budhakedar, Via Ghanshali District Tehri Garhwal

----- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vinay Upadhyay, learned counsel for the petitioner, Sri Paresh Tripathi, learned Standing Counsel for respondent nos. 1, 2 and 4, Sri A.M. Saklani and Sri A.B. Upadhyay, learned counsel for respondent no. 5.

Counsel for both the parties are agree for disposal of the petition at this stage.

The petitioner by means of this writ petition has challenged the order dated 26.10.2005 by which respondent no. 5 was provided appointment on the post of Shiksha Mitra in Primary School, Koti, Gram Panchayat Koti, Block Bhilangana, District Tehri Garhwal.

The petitioner has challenged the appointment of respondent no. 5 on the ground that respondent no. 5 is an outsider and as

per G.O. under which the appointments are being made on the post of Shiksha Mitra, respondent no. 5 is not entitled to be appointed. Further the post of Shiksha Mitra in Primary School, Koti was earmarked for Science Teacher and the respondent no. 5 is not qualified to be appointed against that post as he is having qualification of only B.A. Further the contract of appointment with respondent no. 5 has already been cancelled by the village Education Committee on 16.01.2006.

In these circumstances, the Block Education Officer, Bhilangana, District Tehri Garhwal is directed to conduct inquiry on the issue a appointment of respondent no. 5 and in case it is found that the appointment of respondent no. 5 is in accordance with law, he may be directed to continue and in case the appointment of respondent no. 5 is not in accordance with law and he is not having the requisite qualification as prescribed under the relevant G.Os., the Block Education Officer shall initiate proceeding for appointment of Shiksha Mitra in the concerned institution. The Block Education Officer will give opportunity of hearing to both the parties, i.e., the petitioner and the respondent no. 5.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

(M.M. Ghildiyal, J.)

18.05.2007
VKS